

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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| In Re: AUTOMOTIVE PARTS | : | 12-md-02311 |
| ANTITRUST LITIGATION | : | Honorable Marianne O. Battani |
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| In Re: WIRE HARNESS CASES | : | |
| <hr/> | | |
| THIS RELATES TO: | : | W:12-cv-00102-MOB-MKM |
| <hr/> | | |
| All Dealership Actions | : | ORAL ARGUMENT REQUESTED |
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**YAZAKI CORPORATION'S MOTION TO DISMISS THE AUTOMOBILE DEALERS'
CONSOLIDATED CLASS COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and/or 12(b)(6), Defendant Yazaki Corporation (“YC”) respectfully moves to dismiss all claims in the Automobile Dealers’ Consolidated Class Complaint, filed on May 14, 2012 (ECF No. 85) (“AD CCC”). In support of this Motion, YC states as follows:

1. YC bases this Motion upon the accompanying memorandum of law in support, which fully adopts and incorporates by reference the arguments advanced in Defendants’ Collective Memorandum of Law In Support of Defendants’ Collective Motion to Dismiss the End-Payors’ Corrected Consolidated Amended Class Action Complaint and the Automobile Dealers’ Consolidated Class Complaint (ECF No. 230) (“Joint Memorandum In Support of Defendants’ MTD”), oral argument of counsel, and such other and further material as the Court may consider.

2. As required by E.D. Mich. Local Rule 7.1(a), counsel for YC sought concurrence from counsel for the Automobile Dealer Plaintiffs (“AD Plaintiffs”) via phone on September 4, 2012. During this call, counsel for YC explained the nature of this Motion and its legal basis and requested, but did not obtain, concurrence in the relief sought (*i.e.*, dismissal of the AD CCC).

Respectfully Submitted,

JONES DAY

September 6, 2012

By: /s/John M. Majoras
John M. Majoras
Carmen G. McLean
JONES DAY
51 Louisiana Ave. N.W.
Washington, D.C. 20001-2113
Tel. (202) 879-3939
Fax (202) 626-1700
jmmajoras@jonesday.com
cgmclean@jonesday.com

Michelle K. Fischer
Stephen J. Squeri
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, OH 44114
Tel. (216) 586-3939
Fax (216) 579-0212
mfischer@jonesday.com
jsqueri@jonesday.com

Attorneys for Defendants Yazaki Corporation

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**YAZAKI CORPORATION'S MEMORANDUM OF LAW IN SUPPORT OF YAZAKI
CORPORATION'S MOTION TO DISMISS THE AUTOMOBILE DEALERS'
CONSOLIDATED CLASS COMPLAINT**

STATEMENT OF THE ISSUES PRESENTED

See “Statement of the Issues Presented” in the Joint Memorandum in Support of Defendants’ MTD, at i-ii.

STATEMENT OF CONTROLLING OR MOST APPROPRIATE AUTHORITIES

See “Statement of Controlling or Most Appropriate Authorities” in the Joint Memorandum in Support of Defendants’ MTD, at iii.

Defendant YC respectfully submits this Memorandum in Support of its motion to dismiss the AD CCC pursuant to Federal Rules of Civil Procedure 12(b)(1) and/or 12(b)(6). This Memorandum fully adopts and incorporates by reference as if fully set forth herein the arguments advanced in the Joint Memorandum In Support of Defendants' MTD.

On August 29, 2012, AD Plaintiffs served YC with the AD CCC. Prior to that time, YC was not a proper party to the AD CCC, as noted in the Defendants' Collective Motion to Dismiss the End-Payors' Corrected Consolidated Amended Class Action Complaint and the Automobile Dealers' Consolidated Class Complaint (ECF No. 230) ("Defendants' MTD"). *See* Defendants' MTD, n.1 (noting that AD Plaintiffs had yet to properly serve YC with the AD CCC or any of the original complaints in the Automobile Dealer Actions in the manner required by Paragraph 19 of Case Management Order No. 1 (ECF No. 73), and, thus, YC was not a proper party to the AD CCC at that time and did not join the Defendants' MTD insofar as it applied to the AD CCC). Pursuant to Paragraph 20 of Case Management Order No. 1 (ECF No. 73), YC now moves to dismiss the AD CCC for all of the reasons set forth in the Joint Memorandum In Support of Defendants' MTD.

For all of the reasons set forth in the Joint Memorandum In Support of Defendants' MTD, this Court should dismiss the AD CCC in its entirety, or, alternatively, it should dismiss the AD Plaintiffs' individual federal and state claims in accordance with Exhibit A to the Joint Memorandum in Support of Defendants' MTD.

Respectfully Submitted,

JONES DAY

September 6, 2012

By: /s/John M. Majoras
John M. Majoras
Carmen G. McLean
JONES DAY
51 Louisiana Ave. N.W.
Washington, D.C. 20001-2113
Tel. (202) 879-3939
Fax (202) 626-1700
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Stephen J. Squeri
JONES DAY
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901 Lakeside Avenue
Cleveland, OH 44114
Tel. (216) 586-3939
Fax (216) 579-0212
mfischer@jonesday.com
jsqueri@jonesday.com

Attorneys for Defendants Yazaki Corporation

CERTIFICATE OF SERVICE

I hereby certify that, on September 6, 2012, I electronically filed the foregoing YAZAKI CORPORATION'S MOTION TO DISMISS THE AUTOMOBILE DEALERS' CONSOLIDATED CLASS COMPLAINT and YAZAKI CORPORATION'S MEMORANDUM OF LAW IN SUPPORT THEREOF with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: September 6, 2012

JONES DAY

By: /s/ John M. Majoras
John Majoras (Ohio Bar No. 0036780)
JONES DAY
51 Louisiana Ave., N.W.
Washington, D.C. 20001-2113
202-879-3939
202-626-1700 (facsimile)
Email: jmmajoras@jonesday.com